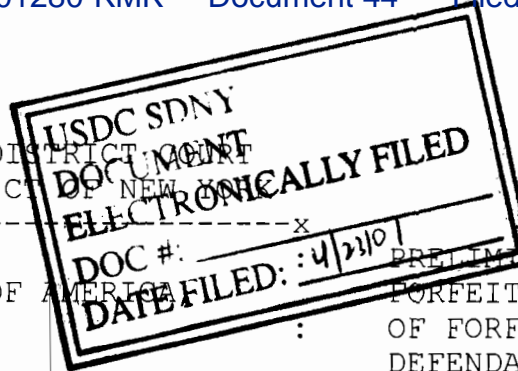


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



UNITED STATES OF AMERICA

-v.-

VITO FORESTIER,

Defendant.

PRELIMINARY ORDER OF  
FORFEITURE/FINAL ORDER  
OF FORFEITURE AS TO  
DEFENDANT VITO FORESTIER'S  
INTEREST IN \$19,000 IN CASH

05 Cr. 1280 (KMK)

WHEREAS, on or about December 1, 2005, VITO FORESTIER, the defendant, was charged in a two-count Indictment with possessing heroin with the intent to distribute it, in violation of 21 U.S.C. §§ 812, 841(a)(1), and 841(b)(1)(C), and possessing a firearm in furtherance of drug trafficking, in violation of 18 U.S.C. § 924(c) (the "Indictment"); and

WHEREAS, the Indictment charged that all of the defendant's right, title and interest in the following property is subject to criminal forfeiture pursuant to Title 21, United States Code, Section 853 because it was property that facilitated the charged narcotics offense and because it was property constituting and derived from proceeds obtained directly and/or indirectly as a result of the charged narcotics offense:

- a) \$19,000 in United States currency seized from VITO FORESTIER, the defendant, at the time of his arrest on November 6, 2005 (the "Seized Asset");

WHEREAS, on or about February 13, 2007, following a jury trial, VITO FORESTIER, the defendant, was found guilty of both counts in the Indictment; and

WHEREAS, on or about June 15, 2007, VITO FORESTIER, the defendant, was sentenced, and at sentencing, the Court found that the Government had established by a preponderance of the evidence that the Seized Asset is forfeitable, pursuant to 21 U.S.C. § 853(a); and

WHEREAS, pursuant to 21 U.S.C. § 853(g), the United States is, by virtue of the Court's finding, now entitled, pending any assertion of third-party claims, to reduce the Seized Asset to its possession and to notify any and all potential purchasers and transferees thereof of its interest therein;

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. The defendant's right, title and interest in the Seized Asset are forfeited to the United States for disposition in accordance with the law, subject to the provisions of Title 21 U.S.C. § 853(n).

2. The aforementioned Seized Asset is to be seized pursuant to this Preliminary Order of Forfeiture and is to be held thereafter by the United States Marshals Service (or its designee) in its secure custody and control.

3. Pursuant to 21 U.S.C. § 853(n)(1), the United States Marshals Service forthwith shall publish, at least once for three successive weeks in a newspaper of general circulation, notice of this Order, notice of the Marshals's intent to dispose

of the Seized Asset in such manner as the Attorney General may direct, and notice that any person, other than the defendant, having or claiming a legal interest in the above-listed Seized Asset must file a petition with the Court within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier. This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Seized Asset, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title, or interest in the Seized Asset and any additional facts supporting the petitioner's claim and the relief sought.

4. The United States may also, to the extent practicable, provide direct written notice to any person known to have an alleged interest in the Seized Asset, which is the subject of this Order of Forfeiture, as a substitute for published notice as to those persons so notified.

5. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

6. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

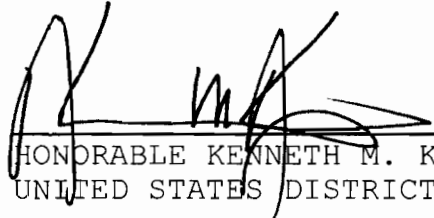
7. The Clerk of the Court shall forward four

certified copies of this Order to Assistant United States Attorney, Sharon Cohen Levin, One St. Andrew's Plaza, New York, New York 10007.

Dated: New York, New York  
~~March~~ 20, 2007

April

SO ORDERED:

  
HONORABLE KENNETH M. KARAS  
UNITED STATES DISTRICT JUDGE